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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	CASE NO. 2:18-CR-00080-RFB-GWF
Plaintiff,)	
)	
vs.)	
)	
CAMERON JAMES KENNEDY,)	
)	
Defendant.)	

**DEFENDANT KENNEDY'S MOTION TO EXTEND
PRETRIAL MOTIONS DEADLINES
(Third Request)**

Defendant, CAMERON JAMES KENNEDY, through his counsel, RUSSELL E. MARSH, ESQUIRE, and MONTI JORDANA LEVY, ESQUIRE, Wright Stanish & Winckler, hereby moves that the motions deadlines in this case be extended so that any additional motions will be due within 30 days of the Court's Order; and responses would be due 14 days after the motions are filed, with any replies due 7 days after that.

1. The Defendant, Cameron James Kennedy, has been charged with Interference with Commerce by Robbery, in violation of 18 U.S.C. § 1951. The Indictment alleges that on January 10, 2018, the Defendant robbed the New York New York Hotel and Casino.

2. Mr. Kennedy was previously represented by the Federal Public Defender's Office. On May 1, 2018, new counsel were appointed by the Court. (ECF No. 38.) Since that time, Ms.

1 Levy and Mr. Marsh have met with their client in-person at least three times and have spoken with
2 him by telephone numerous, often several times per week. As this Court is aware, Mr. Kennedy is
3 an active participant in his own defense.

4 3. Mr. Kennedy initially (while he was represented by the Federal Public Defender)
5 insisted on a speedy trial, but since new counsel have been appointed, he has agreed to two
6 continuances of the trial date. The first request for a continuance was filed shortly after new counsel
7 were appointed. (ECF No. 42.) The most recent request for a continuance was filed on June 29,
8 2018, and was granted by the Court the next day. (ECF Nos. 51, 52.) The current trial date is
9 October 29, 2018. (ECF No. 52.)

10 4. Both requests for continuances of the trial were by stipulation. The Government,
11 however, would not agree in the latest stipulation to an extension of time for the parties to file
12 pretrial motions. Thus, Mr. Kennedy is filing a motion to make this request.

13 5. The parties have previously agreed, twice, to extend the motion-filing deadline for
14 short periods of time. The first Stipulation (ECF No. 45) was made after Mr. Kennedy and his prior
15 counsel had opposed all requests for continuances, including the trial date. (See ECF No. 25.) The
16 second stipulation involved an extension of one week (ECF No. 47), and was made at a time when
17 the government indicated it was also considering filing at least one pretrial motion.

18 6. Defendant filed a Motion to Suppress on June 26, 2018. (ECF No. 50.) Mr. Kennedy
19 has also asked counsel to consider filing additional motions. Counsel requires additional time to
20 conduct legal research and review discovery regarding these potential motions.¹

21 7. In addition, this case involves cell-site location information (CSLI) regarding Mr.
22 Kennedy's alleged whereabouts around the time of the charged offense. On June 22, 2018, the
23 Supreme Court decided Carpenter v. United States, 2018 WL 3073916 (U.S. 2018), which held that
24 generally the Government must obtain a search warrant supported by probable cause to obtain CSLI

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27 ¹ Defense counsel is prepared to present additional information to the Court, if requested,
28 regarding these proposed motions and discussions with Defendant in an *ex parte* and *in camera*
setting.

1 information. Mr. Kennedy requires additional time to review this case, determine how it applies in
2 this instance, and decide whether to file a motion to suppress on this issue.

3 8. Mr. Kennedy is currently in custody. Mr. Kennedy agrees that his counsel needs
4 additional time to conduct legal research and review discovery, as well as to consult with him,
5 regarding whether to file additional motions.

6 9. Mr. Marsh is presently working on an appellate brief in United States v. Acosta, Case
7 No. 17-10418 (9th Cir.), where the opening brief is now due on July 13, 2018. Ms. Levy recently
8 finished a murder trial in State of Nevada v. Martinez, Case No. C-13-293888-1, which began on
9 June 20, 2018, and ended on July 2, 2018.

10 10. Mr. Kennedy requests an extension of time to file pretrial motions in this case. The
11 Government has indicated that it opposes this request, because it may delay the trial. With a current
12 trial date of October 29, 2018, any motions will be fully briefed (by the end of August at the latest)
13 and decided well before then.

14 11. This is the third request for an extension of the motions deadlines; the prior two
15 requests were by stipulation.

16 WHEREFORE, the Defendant, Cameron James Kennedy, requests that the motions deadlines
17 in this matter be extended for 30 days from the Order granting this motion, with responses due 14
18 days after the motions are filed, and replies due 7 days after that.

19 DATED: July 5, 2018

20 WRIGHT STANISH & WINCKLER

21
22 By /s/ Russell E. Marsh
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28 Attorney for Defendant Kennedy

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 UNITED STATES OF AMERICA,)
5 Plaintiff,)
6 vs.)
7 CAMERON JAMES KENNEDY,)
8 Defendant.)
9

CASE NO. 2:18-CR-00080-RFB-GWF

ORDER

10 Based on the Defendant's motion, and good cause appearing, IT IS HEREBY ORDERED
11 THAT:

12 The parties shall have 30 days from the date of this Order to file any pretrial motions;
13 responses to any motions shall be filed within 14 days from the date of service of the motions; and
14 any replies may be filed within 7 days of service of the responses.

15 Dated: August 21, 2018.

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18 RICHARD F. BOULWARE, II
19 UNITED STATES DISTRICT JUDGE
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